

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JENNA-JO BIONDINO

(b) County of Residence of First Listed Plaintiff Bucks
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jonathan J. Russell, Esq

Drake, Hileman & Davis, PC, PO Box 1306

Doylestown, PA 18901-1306

DEFENDANTS BUCKS COUNTY TECHNICAL SCHOOL
AUTHORITY operating as BUCKS COUNTY TECHNICAL
HIGH SCHOOL and KIMBERLY CARON

County of Residence of First Listed Defendant Bucks

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated in Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Section 1983

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
>\$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

s/Jonathan J. Russell

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

05/2023

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 3075 Chandler Drive, Morrisville PA 19067

Address of Defendant: 610 Wistar Rd., Fairless Hills PA 19030 and 228 Grove St., Morrisville PA 19067

Place of Accident, Incident or Transaction: 610 Wistar Road, Fairless Hills PA 19030

RELATED CASE IF ANY:

Case Number: _____ Judge: _____ Date Terminated _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit Pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier Numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is **not** related to any now pending or within one year previously terminated action in this court except as note above.

DATE: 05/22/24

s/Jonathan J. Russell

66337

Attorney-at-Law (Must sign above)

Attorney I.D. # (if applicable)

Civil (Place a ☒ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FEELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☐ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☒ 15. All Other Federal Question Cases. (Please specify): 42 U.S.C. Section 1983

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: (Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

I, Jonathan J. Russell, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2 § 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 05/22/24

s/Jonathan J. Russell

66337

Attorney-at-Law (Sign here if applicable)

Attorney ID # (if applicable)

NOTE: A trial de novo will be a jury only if there has been compliance with F.R.C.P. 38.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JENNA-JO BIONDINO
3075 Chandler Drive
Morrisville, PA 19067

v.

BUCKS COUNTY TECHNICAL
SCHOOL AUTHORITY
operating as BUCKS COUNTY
TECHNICAL HIGH SCHOOL
610 Wistar Road
Fairless Hills, PA 19030

and

KIMBERLY CARON
228 Grove Street
Morrisville, PA 19067-1235

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: Civil Action No.
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DEMAND FOR JURY TRIAL

COMPLAINT

PARTIES

1. Plaintiff, Jenna-Jo Biondino, is an adult individual who resides at 3075 Chandler Drive, Morrisville, Bucks County, Pennsylvania.
2. At all times material herein, Plaintiff, Jenna-Jo Biondino, was a student at Bucks County Technical High School, located at 610 Wistar Road, Fairless Hills, Bucks County, Pennsylvania.
3. At all times material herein, Defendant, Bucks County Technical School Authority operating as Bucks County Technical High School, is and was a public school within the Commonwealth of Pennsylvania.

4. Defendant, Kimberly Caron, is an adult individual who resides at 228 Grove Street, Morrisville, Bucks County, Pennsylvania.
5. At all times material herein, Defendant, Kimberly Caron, was a secondary teacher employed by Defendant, Bucks County Technical School Authority operating as Bucks County Technical High School.

JURISDICTION AND VENUE

6. Paragraphs one (1) through five (5) herein are incorporated by reference as though fully set forth at length.
7. Federal jurisdiction is invoked under 28 U.S.C. §1331 and §1343 (1988), involving a Federal question pursuant to 42 U.S.C. §1983, relating to the deprivation of Plaintiff's right to bodily integrity under the Due Process Clause of the Fourteenth Amendment.
8. Venue is appropriate in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391.

FACTUAL BACKGROUND

9. Paragraphs one (1) through eight (8) herein are incorporated by reference as though fully set forth at length.
10. On May 23, 2022, Plaintiff, Jenna-Jo Biondino, a then, seventeen-year-old student was on the Emergency Medical Services vocational career pathway within the Health and Human Services Program offered at the Bucks County Technical High School.
11. At all times relevant hereto, the Defendants, Bucks County Technical School Authority operating as Bucks County Technical High School and Kimberly Caron, had a policy, practice, tradition, and/or custom of having the students enrolled in the Health and

Human Services Program, regardless of their desired career pathway, participate in impact weapons training with batons and punch paddles.

12. At all times relevant hereto, the Pennsylvania State Police has classified “batons” as a “weapon” albeit a “less-lethal weapon.”
13. Punch paddles are training aids used in boxing, kickboxing and mixed martial arts. They are typically made of leather or a synthetic leather-like material covering a stiff, high density punching surface, covering a molded plastic insert.
14. At all times relevant hereto, Defendants provided students in general and Plaintiff in particular with batons and punch paddles to engage in “sparring” with one another.
15. At all times relevant hereto, Defendants instructed students in general and Plaintiff in particular to defend themselves with a baton, while another student was instructed to strike the baton holding student with punch paddles.
16. At all times relevant hereto, Defendants provided no head, hand or finger protection for those students engaged in the above-described weapons training.
17. At all times relevant hereto, there was no rational reason to have students on the EMS career pathway, enrolled in the Health and Human Services Program, to be trained in the use of impact weapons.
18. Plaintiff did not affirmatively sign-up, volunteer or register for weapons training and was not given the ability to opt- out of such training.
19. At no time did Plaintiff seek out or desire to be certified in weapons training.
20. At all times relevant hereto Plaintiff was studying to be a Certified Emergency Medical Technician.

21. Certification in Baton Tactics Training is not a requirement to be EMT Certified and was not a necessary training relative to Plaintiff's career pathway within the Bucks County Technical High School.
22. At all times relevant hereto, Plaintiff was a minor.
23. At all times relevant hereto, the Bucks County Technical School Authority is a "person" under 42 U.S.C. §1983.
24. Under Pennsylvania law, a school board may be the final policymaker with respect to some actions, while the superintendent may be the final policy maker with regard to other actions.
25. At all times relevant hereto, the Bucks County Technical School Joint Board Committee and/or the then acting Administrative Director were the decision-makers possessing final unreviewable authority to establish policy, adopt curriculum, and to purchase equipment for classroom instruction.
26. At all time relevant hereto, the Bucks County Technical School Joint Board Committee and the then acting Administrative Director knew of the policy, acquiesced to it, and disregarded the foreseen clearly substantial probability of injury, in establishing policy, approving curriculum and purchasing impact weapons to compel minor students to "spar" with one another.
27. At all times relevant hereto, the policy, practice, tradition, and/or custom of the Bucks County Technical School Joint Board Committee, the then acting Administrative Director and Kimberly Caron in having minor children "spar" with one another using impact weapons and punch paddles was known to create a foreseeable danger and risk of serious injury of which the Defendants were aware.

28. At all times relevant hereto, the Bucks County Technical School Joint Board Committee and/or the then acting Administrative Director affirmatively implemented, by establishing policy, approving curriculum and purchasing impact weapons, allowing a dangerous weapons training exercise to take place, which encouraged, facilitated or authorized students to engage in “sparring” with one another, using baton weapons and punch paddles.
29. On May 23, 2022, pursuant to this policy, practice, tradition, and/or custom of Defendants, Plaintiff, Jenna-Jo Biondino, was instructed, compelled and directed to “spar” with a fellow student using impact weapons and punch paddles.
30. At all times relevant hereto, Plaintiff was never provided with protective gear for her head or her hands.
31. Prior to such “sparring,” Defendant, Kimberly Caron, announced to the class something to the effect that “the administration doesn’t like me doing this because some of you are not yet 18.”
32. On May 23, 2022, while instructed, compelled and directed to “spar” with a fellow student using the baton weapon and punch paddles, Plaintiff, Jenna-Jo Biondino’s left hand was crushed between the baton and the punch paddle, causing her to sustain serious injuries.
33. As a result of the actions of the Defendants, and/or the failure of the Defendants to perform the duties they were legally obligated to perform, Plaintiff, Jenna-Jo Biondino, suffered severe and permanent injuries to her left hand.

34. In particular, Plaintiff fractured the fifth finger on her left hand to a degree that it required the surgical opening of her finger and the placement of a permanent screw into her bones, in order to hold the structure of her finger together.
35. In addition to surgery and the permanent fixation of a screw in her finger, Plaintiff's hand was immobilized in a cast for the remainder of her senior year, including graduation and all the typical celebratory times a student only has the occasion to experience once.
36. In addition to the surgery, permanent fixation of a screw, and the wearing of a cast, Plaintiff was required to undergo occupational therapy in order to regain some use of her hand.
37. Plaintiff has been left with a small scar on her finger, sensory nerve damage with accompanying pain, a loss of grip strength and a loss of full manual dexterity of her left hand.
38. As a result of the seriousness of Plaintiff's injuries, Plaintiff required medical treatment, with total charges amounting to \$132,573.84.
39. As a result of the actions and/or inactions of the Defendants, Plaintiff, Jenna-Jo Biondino, has in the past and may in the future be required to obtain additional medical treatment for her injuries.
40. As a further result of the actions and/or inactions of the Defendants, Plaintiff, Jenna-Jo Biondino, has daily pain and limitations when engaging in her usual and customary activities of daily living.
41. Due to her ongoing pain and limitations, Plaintiff has had to modify her duties at home and at work.

COUNT I

**JENNA-JO BIONDINO v. BUCKS COUNTY TECHNICAL SCHOOL AUTHORITY
OPERATING AS BUCKS COUNTY TECHNICAL HIGH SCHOOL
AND KIMBERLY CARON**

**VIOLATIONS OF 42 U.S.C.A. § 1983
STATE CREATED DANGER**

42. Paragraphs one (1) through forty-one (41) herein are incorporated by reference as though fully set forth at length.
43. At all times material hereto, the Plaintiff possessed a liberty interest in her bodily integrity which was, and is, protected by the Fourteenth Amendment to the Constitution of the United States.
44. The actions of the Defendants under the color of state law, as more fully described herein, deprived the Plaintiff of her liberty interest in her bodily integrity in violation of 42 U.S.C.A. §1983.
45. At all times material hereto, the Defendants, Bucks County Technical School Authority operating as Bucks County Technical High School and Kimberly Caron, knew or should have known, that the practice of allowing children in general and Plaintiff, Jenna-Jo Biondino, in particular, to “spar” with other children while using impact weapons and punch paddles, could and would result in a severe injury to the Plaintiff, that was foreseeable and direct.
46. Defendants were aware and on notice of the risk of harm they created with their actions.
47. At all times material hereto, Defendants acted with willful disregard for Plaintiff’s safety, by implementing, facilitating, encouraging and compelling conduct that was dangerous, in that it carried with it an unusual serious risk of harm.

48. At all times material hereto, Defendants had actual knowledge or at least willful blindness to the elevated risk of danger that they created by implementing, facilitating, encouraging and compelling sparring between students using impact weapons and punch paddles.
49. Defendants' conduct in implementing, facilitating, encouraging and compelling sparring between minors using impact weapons and punch paddles without proper safety equipment, demonstrated a deliberate indifference, a conscious disregard and a willingness to ignore a foreseeable risk of injury that shocks the conscience.
50. The concept of having minors involuntarily engage in combat weapons training without any protective equipment is so ill-conceived or malicious that it is conscious-shocking.
51. At all times material hereto, the sparring exercise as designed using an impact weapon and punch paddles served no legitimate and reasonable teaching purpose for students on Plaintiff's career pathway and yet she was required to participate in the same.
52. At all times material hereto, Defendants failed to take steps to address the known and serious risk of injury that they created, facilitated and implemented.
53. As a student at the Bucks County Technical High School, Plaintiff belonged to an identifiable class of persons, which the Defendants made vulnerable to a foreseeable injury.
54. At all times material hereto, the Defendants, Bucks County Technical School Authority operating as Bucks County Technical High School and Kimberly Caron, used the color of their authority to implement, facilitate, encourage and compel minor children to "spar" with each other using impact weapons and punch paddles.

55. This authority to implement, facilitate, encourage and compel minor children to “spar” with each other using impact weapons and punch paddles created an opportunity that otherwise would not have existed for this injury to occur.
56. Defendants, through their affirmative actions of implementing, facilitating, encouraging and compelling minor children to “spar” with each other using impact weapons and punch paddles, without any hand or head protection, placed the Plaintiff in danger of injury.
57. As a result of the actions of the Defendants, Plaintiff, Jenna-Jo Biondino, has suffered severe and permanent injuries, described in further detail above.
58. Solely because of the conduct of Defendants as aforesaid, Plaintiff, Jenna-Jo Biondino, has been left with a permanent injury and deformity of her left hand including, but not limited to, lack of motion and strength, which restrict normal functional grasp, resulting in interference with personal care, work, and route tasks.
59. Solely because of the conduct of Defendants as aforesaid, Plaintiff, Jenna-Jo Biondino, has been in the past and may in the future be obligated to spend sums of money for medical attention in an endeavor to treat said injuries, together with other financial damages and losses.
60. As a further result of the actions and/or inactions of the Defendants, Plaintiff, Jenna-Jo Biondino, has been unable to engage in her usual and customary activities.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendants, Bucks County Technical School Authority operating as Bucks County Technical High School and Kimberly Caron, in an amount in excess of seventy-five thousand dollars (\$75,000.00), together with attorneys fees and costs, as well all other relief the court deems just and appropriate.

COUNT II

**JENNA-JO BIONDINO v. BUCKS COUNTY TECHNICAL SCHOOL AUTHORITY
OPERATING AS BUCKS COUNTY TECHNICAL HIGH SCHOOL**

**VIOLATIONS OF 42 U.S.C.A. § 1983
POLICY PRACTICE OR CUSTOM**

61. Paragraphs one (1) through sixty (60) herein are incorporated by reference as though fully set forth at length.
62. At all times relevant hereto, the Bucks County Technical School Joint Board Committee and the then acting Administrative Director were the decision-makers possessing final unreviewable authority to establish policy, adopt curriculum, and to purchase equipment for classroom instruction.
63. Even one decision by a school board, if it were a final policy-maker, would render its decision school policy. *Hart v. W. Mifflin Area Sch. Dist.*, No. 16-1066, 2016 U.S. Dist. LEXIS 169473 at *12.
64. Pursuant to the Pennsylvania School Code, nothing is to be taught, that has not been pre-approved by the board of directors. (Public School Code of 1949, 24 P.S. § 15- 1512).
65. Pursuant to the Pennsylvania School Code, nothing is to be purchased, that has not been pre-approved by the board of directors. (Public School Code of 1949, 24 P.S. §8- 801).
66. At all times material hereto, the Defendant, Bucks County Technical School Authority operating as Bucks County Technical High School, through the Bucks County Technical School Joint Board Committee and/or the then acting Administrative Director approved curriculum demonstrating a deliberate indifference to Plaintiff's overall health, safety and welfare by allowing students to utilize impact weapons as well as punch paddles in the classroom setting.

67. At all times material hereto, the Defendant, Bucks County Technical School Authority operating as Bucks County Technical High School, through the Bucks County Technical School Joint Board Committee and/or the then acting Administrative Director authorized the purchase of impact weapons, as well as punch paddles, for use in the classroom setting.
68. At all times material hereto, the Defendant, Bucks County Technical School Authority operating as Bucks County Technical High School, through the Bucks County Technical School Joint Board Committee and/or the then acting Administrative Director failed to authorize the purchase of protective hand and head equipment for use in its weapons training program.
69. At all times material hereto, the Defendant, Bucks County Technical School Authority operating as Bucks County Technical High School, through the Bucks County Technical School Joint Board Committee and/or the then acting Administrative Director failed to provide a means to allow minors to opt-out of weapons training, if such training was not necessary for the minor's chosen vocational pathway.
70. Defendant's conduct through the Bucks County Technical School Joint Board Committee and/or the then acting Administrative Director, in approving a dangerous curriculum; authorizing the purchase of dangerous weapons; failing to authorize the purchase of protective equipment; and failing to provide an allowance for students to opt out of weapons training, demonstrates a policy, practice, tradition and/or custom of deliberate indifference to Plaintiff's overall health, safety and welfare.
71. At all times material hereto, the Defendant, Bucks County Technical School Authority operating as Bucks County Technical High School, through the Bucks County Technical School Joint Board Committee and/or the then acting Administrative Director, with

deliberate indifference to the consequences, established and maintained a policy, practice, tradition and/or custom which directly caused Plaintiff constitutional harm.

72. As a result of the actions of the Defendant, Plaintiff, Jenna-Jo Biondino, has suffered severe and permanent injuries as heretofore described.

WHEREFORE, it is respectfully requested that judgment be entered in favor of the Plaintiff and against the Defendant, Bucks County Technical School Authority operating as Bucks County Technical High School, in an amount in excess of seventy-five thousand dollars (\$75,000.00), together with attorneys fees and costs, as well all other relief the court deems just and appropriate.

Respectfully Submitted,

DRAKE, HILEMAN & DAVIS, P.C.

By: s/Jonathan J. Russell
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P.O. Box 1306
Doylestown, PA 18901
Attorney for Plaintiff